

U.S.S.N. 10/709,916

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**REMARKS**

Claims 1-20 are pending in the application. All claims stand rejected. Claims 1, 4-8, 10, 11, 14, 15 and 17 are rejected under 35 U.S.C. §102(e) as being anticipated by Luna, U.S. Publication No. 2004/0233048. The remaining claims are rejected under 35 U.S.C. §103 as being obvious in view of Luna. The Examiner's comments have been carefully considered by Applicants and the Applicants submit that the present claims, as amended, are novel and non-obvious.

By the foregoing amendments, Applicants have incorporated the subject matter of dependent claims 2 and 3 into independent claim 1, and incorporated the subject matter of dependent claims 12 and 13 into independent claim 11. As acknowledged in the Office Action, the subject matter of claims 2, 3, 12 and 13 are novel in view of Luna. Nevertheless, claims 2, 3, 12 and 13 as originally filed stand rejected under 35 U.S.C. §103 in view of Luna.

Applicants traverse this rejection and submit that a *prima facie* case of obviousness has not been established with respect to the independent claims 1 and 11, as amended, and claim 19. Each of the independent claims require that the vehicle communications bus receive various vehicle control signals. These vehicle control signals may be a vehicle speed signal, a RPM signal, a heading of a host vehicle signal, a location of the vehicle signal, a host vehicle directional signal, steering wheel angle signal, or brake status signal. The controller generates a signal for activating a vehicle system in response to at least one of the magneto-resistive sensor signals, as well as the vehicle bus signal which contains vehicle control information such as any one of the parameters just identified. Applicants traverse the suggestion in the Office Action that this feature is disclosed or suggested by the Luna reference. With regard to page 4 of the Office Action discussing claims 2, 3, 12, 13 and 19, more than just a vehicle communications bus is being claimed herein. Indeed, it is the vehicle communications bus carrying various vehicle system data which is used in combination with the magneto-resistive sensor data to indicate the presence of an object within a vehicle blind spot. The Luna reference fails to disclose or suggest this claimed feature, and the Office Action does not identify any portions of the Luna reference indicating otherwise.

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Applicants further submit that the calibration routine of Luna identified in the Office Action as paragraphs [0030]-[0042] of Luna does not disclose or suggest this claimed aspect, either. For this additional reason, the rejections under 35 U.S.C. §103 should be withdrawn.

The rejections under 35 U.S.C. §103 should also be withdrawn as no reason has been shown why one of skill in the art would modify the Luna reference to include this claimed aspect wherein vehicle system data is used along with the sensor data to indicate an object in the vehicle blind spot. The fact that one of skill in the art has the capability to modify Luna to arrive at the invention is not the test for whether one of skill in the art would have arrived at the invention based upon the teachings of Luna. *Ex Parte Levengood*, 28 USPQ2d 1300, 1301-02 (BPAI 1993) ("That which is within the capabilities of one skilled in the art is not synonymous with obviousness.") The focus must remain on what the prior art suggested to one of skill in the art at the time of the invention. Luna does not suggest Applicants' claimed invention. Thus, for this further reason, the rejections under 35 U.S.C. §103 should be withdrawn.

By the foregoing amendments, the Applicants have also corrected several typographical errors noted in the specification. No new matter has been added.

Having overcome all of the objections and rejections set forth in the Office Action, the Applicants submit that claims 1, 4-11 and 14-20 are in a condition for allowance. A Notice of Allowance indicating the same is therefore earnestly solicited. Please charge any fees required in the filing of this Amendment to Deposit Account 06-1510 or if insufficient funds use 06-1505. The Examiner is invited to contact the undersigned at (248) 223-9500 if any unresolved matters remain.

Respectfully Submitted,

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